

ASSEMBLY BILL

No. 1042

Introduced by Assembly Member Parra

February 20, 2003

An act to add Title 8.5 (commencing with Section 7560) to Part 3 of the Penal Code, relating to inmates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1042, as introduced, Parra. Inmates: use of pepper spray in State Department of Mental Health facilities.

Existing law generally regulates the Department of Corrections, including the imposition of various duties relating to the medical testing of prisoners.

This bill would require the Department of Corrections in conjunction with the State Department of Mental Health to issue pepper spray to Department of Corrections medical technical assistants while on duty and assigned to State Department of Mental Health facilities.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Title 8.5 (commencing with Section 7560) is
2 added to Part 3 of the Penal Code, to read:

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TITLE 8.5. OC Pepper Spray

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6 7560. (a) The Department of Corrections, in conjunction with
7 the State Department of Mental Health, shall issue OC pepper

1 spray to all Department of Corrections medical technical assistants
2 while on duty and assigned to State Department of Mental Health
3 facilities.

4 (b) The OC pepper spray dispenser shall be of the same type
5 and capacity as those used by medical technical assistants and
6 correctional officers in other Department of Corrections facilities.

7 (c) The Department of Corrections, in conjunction with the
8 State Department of Mental Health, shall establish procedures for
9 the use of OC pepper spray on inmates housed in State Department
10 of Mental Health facilities. Those procedures shall permit the use
11 of OC pepper spray by medical technical assistants in cases of
12 self-defense or the defense of others to the same extent as those
13 uses are permitted in prison.

